

ASSEMBLY BILL

No. 611

Introduced by Assembly Member Negrete McLeod

February 19, 2003

An act to add Section 1648.30 to the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

AB 611, as introduced, Negrete McLeod. Dental amalgam separators.

Existing law provides for the licensing and regulation of dentists and dental auxiliaries by the Dental Board of California.

This bill would require by January 1, 2004, that a dentist have a state-of-the-art amalgam separator installed in his or her office and that he or she or a dental auxiliary be trained to use, and use, a state-of-the-art amalgam separator. The bill would impose an administrative fine of \$100 per day on a violator of those requirements, until he or she is in compliance, to be assessed and collected by the board. The bill would also require that on March 1, 2004, and annually thereafter, a dentist report to the Department of Toxic Substances and Control regarding the quantity of mercury discharged into wastewater and the quantity of mercury recycled during the previous calendar year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares the
2 following:

1 (a) Amalgam dental fillings are 43 percent to 54 percent
2 mercury, according to the Dental Board of California, and contain
3 up to 750,000 micrograms of mercury in each filling.

4 (b) National studies and California studies show that the largest
5 source of mercury in the wastewater comes from dental offices.
6 These studies include “Dentist the Menace? The Uncontrolled
7 Release Of Mercury” by Mercury Policy Project, Toxics Action
8 Center, Health Care Without Harm, and the Sierra Club in 2002,
9 which can be found at
10 www.mercurypolicy.org/new/documents/DentistTheMenace.pdf
11 , and include studies by the City of Palo Alto and the City and
12 County of San Francisco.

13 (c) Mercury is a persistent and bioaccumulative toxin, a
14 substance known to the state of California to cause birth defects
15 and reproductive injury. Mercury in fish, emanating from
16 human-generated activity including dentistry, is one major
17 exposure.

18 (d) According to the Journal of the California Dental
19 Association:

20 (1) The United States dental industry used 48 metric tons of
21 mercury in 2001, an increase from 34 metric tons in 1997.

22 (2) A dentist who routinely removes and places dental
23 amalgam can discharge up to 2,000,000 micrograms grams of
24 mercury per day into the wastewater, unless he or she has pollution
25 control equipment. But if a dentist uses only the chairside traps and
26 vacuum filters, he or she discharges about 400,000 micrograms per
27 day into the wastewater, which is approximately the equivalent of
28 the mercury contained in one thermometer.

29 (3) Existing technology exists to capture up to 95 percent of the
30 mercury, if state-of-the-art amalgam separators are used.

31 (e) Voluntary means of compliance have not worked. Hearings
32 before the City and County of San Francisco found that, after ten
33 years of cooperation between government and organized dentistry,
34 only 7 percent of dentists bought state-of-the-art amalgam
35 separators.

36 (f) Amalgam separators cause substantial declines of mercury
37 going into the wastewater. The City of Toronto, Canada, enacted
38 an ordinance requiring dentists to have separators, and one year
39 later the amount of mercury going into the wastewater declined 58
40 percent.

1 (g) With a substantially declining budget, the State of
2 California needs the private sector to do its share to address further
3 additions of mercury into the environment.

4 SEC. 2. Section 1648.30 is added to the Business and
5 Professions Code, to read:

6 1648.30. (a) (1) By January 1, 2004, a dentist licensed by the
7 State of California shall have a state-of-the-art amalgam separator
8 installed in his or her office.

9 (2) By January 1, 2004, a dentist or a dental auxiliary shall be
10 trained to use, and shall use, a state-of-the-art amalgam separator.

11 (3) A violation of this subdivision shall result in an
12 administrative fine of one hundred dollars (\$100) per day until the
13 violator achieves compliance with this subdivision, to be assessed
14 and collected by the board.

15 (b) On March 1, 2004, and annually thereafter, a dentist
16 licensed by the State of California shall report to the Department
17 of Toxic Substances and Control the following information:

18 (1) The quantity of mercury discharged into wastewater during
19 the preceding calendar year.

20 (2) The quantity of mercury recycled during the preceding
21 calendar year.

22 (c) Section 1648.20 does not apply to this section.

